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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,707	04/02/2004	Hideyuki Shimizu	450100-05006	1203

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EXAMINER	
AMIN, JWALANT B	

ART UNIT	PAPER NUMBER
2628	

DATE MAILED: 09/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/816,707	SHIMIZU, HIDEYUKI	
	Examiner	Art Unit	
	Jwalant Amin	2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 June 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *18-22* is/are pending in the application.

4a) Of the above claim(s) *1-17 and 23-27* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *18 and 20-22* is/are rejected.

7)☐ Claim(s) *19* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 6/16/06 have been fully considered but they are not persuasive.

2. Regarding claims 18 and 20-22, the Applicant argues that Shiraishi and Dreamsuite do not disclose "... a special effect device comprising address signal generating means for generating readout signals of said picture signals stored in said frame buffer so that a said frame buffer is fractionated into plural partial pictures, having a wavy boundary line, defined by a present function, at the time of display, said partial pictures being translated so as to disappear to outside the display area, wherein said address signal generating means transforms a coordinate system of said picture into a second coordinate system for calculations and then rotates said second coordinate system" (see page 9 paragraph second from last of the Applicant's remarks).

3. However, the Examiner, in the earlier office action, had shown that Shiraishi and Dreamsuite teach a special effect device comprising address signal generating means for generating readout signals of said picture signals stored in said frame buffer so that a special effect will be produced in which a picture corresponding to the picture signals stored in the said frame buffer is fractionated into plural partial pictures, having a wavy boundary line, defined by a present function, at the time of display. Please see rejection of claim 18 for further details.

The Examiner had pointed out the reasons for rejecting claims 18 and 20-22 in the earlier office action, where the Examiner shows that Shiraishi (Fig. 2, col. 1 lines 7-

9, col. 2 lines 13-15, col. 3 lines 3-6 and lines 18-19, col. 5 lines 30-34) teaches the claimed invention, further in view of Dreamsuite (pg.1 last paragraph, pg. 2 paragraph 2, Figure at the bottom of pg. 2, Figure at the top of pg. 3). The Applicant fails to point out the errors and disagreements with the examiner's earlier rejection. The Applicant has not discussed the references applied against the claims, and explained how the claims avoid the references or distinguish from them.

The Examiner further interprets that Shiraishi teaches address generating means (read address generator) transforms a coordinate system (orthogonal coordinates) of said picture into a second coordinate system (polar coordinates) for calculations and then rotates (rotating angle P_s) said second coordinate system (Fig. 2, col. 3 lines 36-57, col. 4 lines 1-12).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 18 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiraishi et al. (US 5,521,648; hereinafter referred to as Shiraishi) and in view of Dreamsuite Auto FX Software

(http://web.archive.org/web/20021011052058/http://www.autofx.com/dreamsuite/effect_pages/deckle.html; hereinafter referred to as Dreamsuite).

Regarding claims 18 and 20 Shiraishi teaches a special effect device and an address signal generating device (col. 1 lines 7-9; image transforming apparatus corresponds to special effect device; image transforming apparatus also functions as an address signal generating device) for reading out picture signals from a frame buffer to impart a desired special effect (col. 1 lines 7-9; video signals corresponds to picture signals; gives special effects to video signals corresponds to imparting a desired special effect), comprising address signal generating means for generating readout address signals of the picture signals stored in frame buffer (col. 3 lines 3-6; image data corresponds to picture signals; frame memory corresponds to frame buffer; read address generator corresponds to address signal generating means) so that a special effect will be produced in which a picture corresponding to the picture signals stored in said frame buffer is fractionated into plural partial pictures (Fig. 2, col. 2 lines 13-15, col. 3 lines 18-19; burst effect corresponds to special effect; scatter corresponds to fractionated; picture elements corresponds to plural partial pictures), said partial pictures being translated so as to disappear to outside the display area (col. 5 lines 30-34; scatter from the center of effect toward the outside corresponds to partial pictures being translated to disappear to outside the display area), wherein said address generating means (read address generator) transforms a coordinate system (orthogonal coordinates) of said picture into a second coordinate system (polar coordinates) for calculations and then rotates (rotating angle P_s) said second coordinate system (Fig. 2,

col. 3 lines 36-57, col. 4 lines 1-12).

Shiraishi discloses all of the claimed limitations as stated above, except that, Shiraishi does not explicitly teach the fractionated pictures have a wavy boundary line, defined by a preset function. However, Dreamsuite teaches deckle effect to create fractionated partial pictures using Bezier Path tools (pg. 1 last paragraph, pg. 2 paragraph 2; Bezier Path tool corresponds to preset function; create two outward facing rips corresponds to fractionating pictures; Figure at the bottom right of pg. z/Figure at the top left of pg. 3 shows fractionated pictures with wavy boundary; the deckle effect as applied to these figures will create an animated effect of partitioning a picture as shown in the figures). Therefore, it would have been obvious to one of ordinary skill in art at the time of present invention to modify the burst effect as taught by Shiraishi by applying the deckle effect as taught by Dreamsuite to create special effects with fractionated pictures having wavy boundary because using such modified special effect would allow the user to create rips along the side of an image or even tearing holes in a photo or paper (pg. 1 3rd line under Deckle) and removing the image on either side of the Bezier path (pg. 1 last line).

6. Regarding claim 21, in addition to the statements presented above for claim 20, Shiraishi teaches an image transforming apparatus performing special effecting process to give special effects to video signal (col. 1 lines 7-9; image transforming apparatus performing special effecting process corresponds to address signal generating method).

7. Regarding claim 22, the statements presented above for claim 20 are incorporated herein.

Shiraishi teaches all of the claimed limitations as stated above, except that Shiraishi does not explicitly teach the address signal generating process is executed by an address signal generating program. Shiraishi teaches to execute the process using a dedicated hardware system. However, Dreamsuite teaches to use to software to perform special effects (pg. 1 Dreamsuite Series one product corresponds to a computer program). Therefore, it would have been obvious to one of ordinary skill in ad at the time of present invention to use a computer software program as taught by Dreamsuite to execute the burst effect as taught by Shiraishi to create special effects because a software program is portable and thus it could be used to create special effects in a computer system without a dedicated hardware.

Allowable Subject Matter

8. Claim 19 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 19, the prior art fails to show the preset function F defines the wavy boundary of fractionated partial pictures, where function F(x) is represented as F((y1 - fixphase) X fixFrequency).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jwalant Amin whose telephone number is 571-272-2455. The examiner can normally be reached on 9:30 a.m. - 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Zimmerman can be reached on 571-272-7653. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*** J.A. 8|28|06

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